

Fantasia Dawson v. The Kroger Co. et al.
State Court of DeKalb County, State of Georgia
Civil Action File Number: 23A02972

Fantasia Dawson v. The Kroger Co. et al.
USDC, Northern District, Atlanta Division
Civil Action File Number: TBA (Removal # 1:23-mi-99999)

EXHIBIT B: NOTICE OF REMOVAL

PLAINTIFF'S DEMAND LETTER



Alexander Shunnarah

TRIAL ATTORNEYS

April 29, 2021

SENT VIA CERTIFIED US MAIL

Tracking No. 9405 5112 0620 3863 3267 83

Sedgwick Claims Management

Attn: Betty Cason

P.O. Box 14452

Lexington, KY 40512

--CONFIDENTIAL--

--FOR SETTLEMENT PURPOSES ONLY--

ENCLOSED MEDICAL DOCUMENTATION FOR SETTLEMENT PURPOSES ONLY

Re:	Our Client:	Fantasia Dawson
	Your Insured:	Kroger
	Claim Number:	4A211102K2N-0001
	Date of Loss:	November 28, 2021

Dear Ms. Cason,

The purpose of this correspondence is to formally notify you of Fantasia Dawson's claim against **Kroger**; to propose terms, and to serve as a formal demand for settlement. In accordance with O.C.G.A. § 24-4-408, this letter and any statement or proposition contained herein is not proper evidence.

THE INCIDENT & LIABILITY

On November 28, 2021, my client, Fantasia Dawson was a business invitee at Kroger located at 1160 Moreland Ave SE, Atlanta, Georgia. As Ms. Dawson was exiting the restroom, she slipped and fell and lost conscious. There was no caution sign to warn our client.

Your insured's liability for damages sustained by Ms. Dawson cannot be reasonably challenged now or in a court of law.

With respect to Ms. Dawson's claim, there can be no dispute that: (1) your insured acted negligently by failing to warn of a visible danger and failure to correct the danger in accordance to the standard of care owed to our client as a she was a business invitee; (2) the personal injury to Ms. Dawson flows naturally from the fall; (3) Ms. Dawson's medical treatments were necessitated by the injuries proximately caused by such negligence; and (4) Ms. Dawson suffered injuries and has suffered from substantial pain and discomfort from the injuries she sustained.

TREATMENT

In order to treat the injuries Ms. Dawson sustained as a result of your insured's negligence, my client presented to Southern Regional Medical Center, where she was seen by Dr. Roman Hill, MD. Ms. Dawson sought further treatment at AICA Orthopedics, where she was treated by Dr. Francis Acquah, MD. Ms. Dawson was diagnosed with radiculopathy, sprain of ligaments of lumbar/cervical/thoracic spine, and strain of muscle, fascia and tendon at neck level. Ms. Dawson had an MRI of the cervical spine, which revealed disc herniations at C3-C4 and C5-C6. Dr. Acquah discussed multiple treatment options including conservative treatment, trigger point/Toradol injections, cervical epidural steroid injections. Ms. Dawson decided to proceed with a cervical epidural steroid injection to help decrease her pain. According to the treating physicians, Ms. Ferguson's injuries can be brought about due to increased stress or recent trauma, such as the incident described above. I have attached my client's medical records below for your review.

MEDICAL DAMAGES

Southern Regional Medical Center	\$7,340.86
Vulcan Imaging Associates	\$476.00
AICA Orthopedics	\$11,599.75
Summit Surgery Center	\$9,903.25
Trans MEDIC, Inc.	\$396.26
<u>TOTAL SPECIALS</u>	<u>\$25,654.87</u>

OUR OFFER TO SETTLE

We hereby offer to settle all claims for special damages and pain and suffering, by the payment of **One Hundred Thousand Dollars (\$100,000.00)** to Ms. Dawson in exchange for a full release for your company in regard to this incident.

This offer to settle within policy limits will expire if not accepted, in writing, within thirty (30) days from the receipt date of this letter. At that time, we will assume you have acted in bad faith and you have irrevocably subjected your insured to the risk of trial by jury.

I look forward to hearing from you.

Very Truly Yours,

/s/Daniel J. Nagel

Daniel J. Nagel, Esq

Alexander Shunnarah Trial Attorneys

600 Peachtree Street NE Ste 3710

Atlanta, GA 30308

Direct: 404-443-2716 / Fax: 470-220-5129

Email: dnagel@asilpc.com

DN/jo

Enclosure